

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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JUN - 1 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Performance Measurements and )  
Reporting Requirements for )

Operations Support Systems, )  
Interconnection, and Operator Services )  
and Directory Assistance )

CC Docket No. 98-56  
RM-9101

**COMMENTS**

**National Exchange Carrier Association, Inc.**  
100 South Jefferson Road  
Whippany, NJ 07981  
June 1, 1998

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## Summary

NECA files these comments urging the Commission to explicitly exempt small, rural and mid-sized LECs from the model rules proposed in this *Notice of Proposed Rulemaking* (NPRM) concerning operations support systems (OSS). NECA asserts that a vast majority of its member LECs do not have the technical capabilities to perform these OSS measurement and reporting requirements.

NECA further notes that rural telephone companies should be exempt from the measurement and reporting requirements imposed under these model rules, citing that section 251 (f) of the Telecommunications Act of 1996 exempts rural telephone carriers from LEC interconnection obligations until there has been a *bona fide* request for interconnection, resale services, or unbundled network elements, and there has been a determination by the respective state commission that such a request is not unduly burdensome, is technically feasible and is consistent with universal service policy.

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**COMMENTS**

The National Exchange Carrier Association, Inc. (NECA) hereby comments on the Commission's *Notice of Proposed Rulemaking* (NPRM) as referenced in the above-captioned proceeding.<sup>1</sup>

In its NPRM, the Commission proposes model performance measurements and reporting requirements for operations support systems (OSS) functions. The Commission indicates that OSS functions are part of the interconnection requirements of section 251(c) of the Telecommunications Act of 1996 (the 1996 Act), including unbundled network elements and resale.<sup>2</sup> The Commission states that an incumbent local exchange carrier (ILEC) must provide access to these functions that is equivalent to what it provides itself, its own end-user customers, or other carriers.<sup>3</sup>

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<sup>1</sup> Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance, *Notice of Proposed Rulemaking*, FCC 98-72, CC Docket No. 98-56, RM-9101 (rel. Apr. 17, 1998).

<sup>2</sup> See NPRM at ¶ 28.

<sup>3</sup> *Id.*

The Commission further states that its proposed model measurements and reporting requirements will not be legally binding, but are designed to assist states in continuing or beginning development of related state rules to ensure non-discriminatory access.<sup>4</sup> The Commission indicates that it will decide later whether to adopt national, legally binding rules in this area.<sup>5</sup> The Commission specifically asks for comment on whether its proposals will impose particular costs or burdens on small, rural, or midsize LECs, and on "any modifications that should be considered in issuing guidelines in this area."<sup>6</sup>

NECA believes that the vast majority of its members do not have the electronic or other mechanized interfaces necessary to develop the measurements and reports on which this NPRM is focused. In fact, many NECA members still handle Access Service Requests via U.S. mail or fax, or take orders on some other manual basis. Therefore, many of the measurements and reporting requirements in the NPRM are not relevant to these smaller carriers. For these reasons, the Commission should explicitly exempt small, rural and midsize LECs from the proposed model rules in this NPRM. To apply any of the proposed rules to these smaller LECs, or imply that they are applicable by not providing an explicit exemption, could unnecessarily invite potentially hundreds of waiver requests.

NECA notes that, in any event, rural telephone companies should be exempt from the requirements imposed in this proceeding, pursuant to section 251(f) of the 1996 Act. 47 U.S.C. §

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<sup>4</sup> See NPRM at ¶¶ 21, 23-24. The Commission notes that LCI and CompTel petitioned it to initiate a rulemaking in this area, and that the states have urged it to assist them in developing such measurements and reporting requirements. *Id.* at ¶ 22.

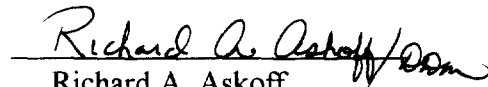
<sup>5</sup> See *id.* at ¶ 24.

<sup>6</sup> NPRM at ¶ 131.

251(f). This section exempts rural telephone companies from the section 251(c) incumbent LEC obligations until receipt of a bona fide request for interconnection, resale services, or unbundled network elements, *and* a subsequent determination by the State that such request is not unduly economically burdensome, is technically feasible, and is consistent with universal service.<sup>7</sup> Since the Commission purports to assist the states in implementing section 251(c) through this NPRM, the statutory exemption should preclude the application of these proposed model rules to rural carriers until the aforementioned conditions are met. Nevertheless, NECA believes that the Commission should explicitly exempt small, rural and midsize LECs from any of the proposed model rules it adopts in this NPRM.

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Respectfully submitted,

  
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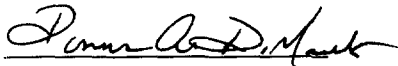
June 1, 1998

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<sup>7</sup> See 47 U.S.C. § 251(f)(1)(A).

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served this 1st day of June 1998, by hand delivery or by mailing copies United States Mail, first class postage paid, to the persons listed below.

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